

Message Text

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EA/J - MR. LAMBERTSON

H - MR. MCKENZIE

S/S: RKUCHEL

-S - MR. COLSON

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FM SECSTATE WASHDC

TO AMEMBASSY TOKYO

S E C R E T STATE 000029

EXDIS

E.O. 11652: XGDS-,

TAGS: PLOS, JA

SUBJECT: JAPAN EXTENSION OF TERRITORIAL SEA

REF: (A) TOKYO 18402 (B) TOKYO 18424

1. TIMING OF CONGRESSIONAL ACTION ON 200-MILE FISHERIES BILL IS NOT FIRM. HOWEVER, DEPT. UNDERSTANDS BILL IS EXPECTED TO BE VOTED UPON IN SENATE IN LATE JANUARY OR EARLY FEBRUARY. IF PASSED, BILL WOULD THEN GO TO SENATE-HOUSE CONFERENCE COMMITTEE WHERE SPEEDY ACTION IS EXPECTED. THEREFORE, BILL COULD BE BEFORE PRESIDENT IN LATE FEBRUARY OR EARLY MARCH. FYI. WE ARE INVESTIGATING FEASIBILITY OF OBTAINING RECOMMITTAL OF BILL TO SENATE COMMERCE COMMITTEE FOR 90 DAYS. END FYI.

2. REFTTEL (A) REINFORCES IMPRESSION GOJ PERCEIVES LINKAGE BETWEEN THEIR MAKING UNILATERAL CLAIM OF 12-MILE TERRITORIAL SEA AND POSSIBLE US UNILATERAL EXTENSION TO 200-

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MILE FISHERIES ZONE. ADVERSE CONSEQUENCES OF TERRITORIAL

SEA EXTENSION ARE, OF COURSE, QUITE SEPARATE FROM FISHERIES EXTENSION. IF MAIN REASON FOR EXTENSION OF TERRITORIAL SEA IS TO CURTAIL SOVIET FISHING, GOJ SHOULD BE AWARE THAT SOVIETS ALREADY HAVE 12-MILE TERRITORIAL SEA. SOVIETS DO NOT RECOGNIZE ANY OBLIGATION

TO ALLOW OTHER STATES TO FISH WITHIN 12 MILES OF USSR AND COULD HARDLY PROTEST RECIPROCAL TREATMENT BY GOJ. MOREOVER, 12-MILE FISHERIES ZONE IS MORE WIDELY ACCEPTED AS INTERNATIONAL LAW THAN 12-MILE TERRITORIAL SEA; AND IN ANY EVENT, WE DO NOT UNDERSTAND HOW THERE WOULD BE LESS RETALIATION BY SOVIETS IF REASON FOR THEIR EXCLUSION WAS BASED ON TERRITORIAL SEA RATHER THAN EXCLUSIVE FISHING CLAIM OF 12 MILES BECAUSE SOVIETS COULD CLAIM HISTORIC RIGHTS IN EITHER CASE. SOVIET LOS EXPERTS WOULD CLEARLY SEE ADVANTAGE OF GOJ CLAIMING FISHERIES ZONE INSTEAD OF TERRITORIAL SEA AND MIGHT BE PERSUADED NOT TO REGISTER STRONG OBJECTIONS TO FORMER. ROBINSON

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